

# **Libby Community Advisory Group**

## **Meeting Summary**

### **August 17, 2006**

#### **Introductions**

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

#### **Agenda**

The CAG agreed to the following agenda for this meeting:

- \$ Agency Reports
  - S EPA
  - S State
  - S TAG
  - S CARD
  - S LAMP
- \$ Public Comment

#### **EPA Report**

Mike Cirian, Ted Linnert, and Paul Peronard reported for EPA on the following topics.

Cleanups - During this year, 133 properties have been cleaned. The cumulative total cleaned to date is 711 properties.

Dream It - Do It Seminar - The Libby Dream It - Do It economic development seminar was held earlier this week. Judging by the attendance, it was a success. Senator Burns attended as did a number of federal and state agency and subagency heads.

Export Plant Cleanup - Cleanup of the contamination at the export plant will begin on August 28.

*CAG Member Question - The recent hot weather has caused lawns in Libby, including sod recently laid as a part of residential cleanups, to burn up. People cannot afford lawn watering. Has EPA considered providing assistance to pay for city water for watering replacement sod?*  
Answer - Residential cleanups are conducted according to an agreement with the property owner. I am not aware that EPA has been asked for assistance to pay for lawn watering or that we have provided such assistance.

*Audience Member Comment - Dry lawns of contaminated properties are a problem because they are dusty.*

Answer - We do not have a policy about lawn watering. Again, cleanups occur pursuant to a plan agreed to by the property owner.

*Audience Member Question - Why lay sod when it is hot, and why isn't new sod rolled?*  
Answer - The ideal time to lay sod is in the fall, but cleanups begin in the spring and continue through the fall. The sod is laid when landowner requests it consistent with the cleanup plan.

Most folks want sod put down when the cleanup occurs as opposed to waiting with bare ground. We have a contract with a local landscape company to lay sod; we don't tell the contractor how to do this job.

*Audience Member Comment - We had sod laid last September, but it has not yet taken root. The sod was laid over only 1.5" of top soil.*

Answer - We have Mike Cirian in Libby full time to address problems. We'll have him visit you about this problem.

*Audience Member Question - Will Mr. Mueller, as the CAG facilitator, please make sure that we hear a report about how this issue was addressed at the next CAG meeting?*

Answer by Mr. Mueller - I will ask about this at the next CAG meeting.

*Audience Member Comment - I have asked five times for the final restoration plan for the city property at the old export plant, but have not received it.*

Response - We work with the local land owner on the cleanup until he or she is satisfied. The work at the old export plant has been completed. In this case, the cleanup work promised to the City of Libby was conducted by W.R. Grace. I am not sure that a written final restoration plan exists, but I will check to find out.

*Audience Member Question - Has the city signed off on the cleanup of their property at the old export plant site? Who signed on behalf of the city?*

Answer - I don't know if there was a formal transfer of control of this property to the city after it was cleaned. We have been working with Dan Thede. I will find out for the next meeting if such a transfer document exists and, and if it does, who signed it for the city.

*Audience Member Comment - I have a copy of the work plan that called for cleanup up of this site all the way to the river. This site has not been cleaned to the river.*

Response - The surface contamination was removed to non-detect levels. Soil was not removed all the way to the river because the surface contamination stopped before reaching the river. The area in which the boat ramp was built had been sampled and did not have surface contamination.

*Audience Member Comment - I dug the cable line and planted trees on this site. I informed EPA about encountering vermiculite.*

Response - When vermiculite is encountered, it is removed. Our policy is to remove surface contamination because it is a direct health threat. When subsurface is brought to the surface, we remove it as well. It is not practical to search out and remove all subsurface contamination.

*Audience Member Question - Did you inform the city and the Parkers that contamination would be found below the backfill at the export and screening plant sites?*

Answer - We attempt to determine what the land use of the cleaned property might be and excavate to a corresponding level during the cleanup.

*Audience Member Comment - When the water line was dug on the old nursery site, contamination was found. We also found large rocks that didn't fit cleanup specifications. My concern is that you are leaving this town with problems.*

Response - We know that we are not removing all subsurface contamination and that when holes are dug after the cleanup is finished, contamination will be encountered. For this reason we are working with the operation and maintenance group to develop a plan to address these situations. The plan will include an environmental response specialist to assist property owners. The rocks at the nursery site were landscape rocks that were buried. They were not a part of the backfill material.

*Audience Member Question - What is the source of the contamination of Highway 37?*

Answer - The EPA trucks carrying contaminated materials were covered and decontaminated. They were not the source of contamination along the road. Possible sources include material used by the Montana Department of Transportation (MDT) to sand the road and WR Grace's fifty years of hauling contaminated materials up and down the road and on the railroad spur.

*Audience Member Question - Highway 37 was rebuilt in 1996 with clean material. The mine was closed before then, so W.R. Grace could not have been the source of the present contamination. EPA trucking of contaminated materials to the mine was the source. Would EPA please explain the nature and the source of the contamination to us?*

Answer by Gerald Mueller - I will ask EPA to devote time at a future CAG meeting to a thorough discussion of this topic.

Answer by Paul Peronard - We will do so, and provide results of MDT sampling when it is available.

*Audience Member Question - Could you notify the property owner in the completion letter about the operation and maintenance group's work to develop a plan for addressing contamination found after the cleanup is finished?*

Answer - We will review the completion letter to make sure that it includes a specific statement about what to do if post-cleanup contamination is encountered.

*Audience Member Comment - We did run into contamination when a water line was dug on the old nursery site. We notified EPA of the contamination on a Monday, and it was removed on the following Wednesday. We appreciate the prompt removal action.*

*Audience Member Comment - When contamination is found after the cleanup is completed, who will pay for its removal? What will be the procedure for addressing this problem after the Record of Decision (ROD) is adopted?*

Answer - EPA will pay for contamination removal. We will try to arrange for a long-term fund to pay for such removals. We intend to develop a system involving notification of intent to dig in areas likely to have subsurface contamination so that arrangements can be made to remove the contamination at EPA's cost.

*Audience Member Question - What won't EPA pay for after the cleanup is completed and the ROD adopted?*

Answer - This is a good question that we have not yet addressed. Would you be willing to help us answer it?

*Audience Member Question - What will be the effect of adopting the ROD?*

Answer - The ROD will provide general guidance for what and what cannot be removed, but each cleanup will have a specific cleanup design which the ROD will not predetermine. The operation and maintenance plan including the Environmental Resource Specialist position will provide guidance as to how to respond to the discovery of contamination. As a part of the plan, we hope to have a geographic information system that will allow us to record data about each cleanup, including what was cleaned and what was left behind, to help inform this guidance.

*Audience Member Question - By signing to the notice of availability after my property was cleaned, did I agree to leaving contaminated material behind?*

Answer - No, you have not agreed to leaving contamination behind. You did agree to the cleanup plan for your property, but you did not sign the notice of availability. This notice described the condition of the property when the cleanup was finished and stated that EPA believes it is now safe to inhabit.

*CAG Member Question - Further cleanup work may be necessary after the risk assessment is completed, correct?*

Answer - Yes. Additional work may prove necessary at the screening and export sites and the residential cleanups.

## **State Report**

DEQ - Catherine LeCours reported on behalf of the Montana Department of Environmental Quality (DEQ). She stated that the cleanup at Troy High School was completed ahead of schedule. The school principal was happy with the work of the CDM public involvement coordinator, Kim Fox and with the abatement on-scene coordinator.

*CAG Member Question - What is the situation at Morrison Elementary School?*

Answer - When the pellet stove heating system was installed, some asbestos pipe wrap insulation was removed pursuant to state requirements. Some test holes were cut in walls, but no vermiculite was found. A consultant is on site to address vermiculite should it be found.

*CAG Member Question - What is the reason for the consultant? Can EPA be called to remove vermiculite found at the school?*

Answer - The school can arrange for the vermiculite removal on its own, or call EPA.

*CAG Member Comment - It is common knowledge that there is vermiculite in concrete block walls. You may not have found it because it settled.*

## **TAG Report**

Gayla Benefield, LeRoy Thom, and Dr. Gerry Henningsen reported on behalf of the Technical Advisory Group (TAG). Ms. Benefield stated that Senator Burns has asked the TAG for a "wish list" of things needed to be done. The TAG members requested money to complete toxicology studies on the Libby amphibole. The studies would be designed to determine the relative potency of the Libby amphibole versus chrysotile, the form of asbestos used previously in standard setting, and whether existing chemistry tools are adequate to measure Libby amphibole fiber concentrations. The TAG Technical Advisor, Dr. Gerry Henningsen estimates that \$11 million would be needed over 5 years to fund these studies. The TAG has asked that the money

be provided to the Denver Office of EPA to oversee the studies to ensure that they are management to address questions important in Libby rather than nationally. The TAG has further suggested that most of the studies be conducted by the National Toxicology Program. Senator Burns indicated that this money, if it can be obtained, would likely be a part of the FY 2008 budget. The TAG has supplied the same wish list to Senator Baucus. This wish list will issued publicly in the form of a press release. Mr. Thom said that the TAG has asked that the additional funding not be taken out of funds for the cleanup. He also stated that EPA cannot ask for additional funds; the request must come to Congress from the Libby community. Dr. Henningsen stated that the TAG is also considering the implications of the various alternatives for the ROD, including a final ROD and a contingent ROD.

*Audience Member Question - Can the studies clarify the specific types of asbestos in the Libby amphibole in support of the litigation?*

Answer - The work of the Libby EPA team is not designed to affect litigation. However, although the Libby asbestos is often referred to as tremolite, it is actually is a mixture asbestos mineral forms, including about 5% Tremolite, 84% Winchite, and 10% Richterite.

*Audience Member Question - What stipulation was made with Senator Burns about going back to cleanups that have been completed based on old chemical testing methodologies?*

Answer - None. Properties already cleaned were done so under the emergency response program using the old chemistry testing methods. We will have an opportunity to revisit previous cleanups under the remediation program if and when new chemistry appropriate to the new toxicological research is completed.

*Audience Member Comment - It is very important to take a unified approach to the cleanups. All of them should be reviewed under the same criteria and given equal treatment.*

Answer - We will have an opportunity to take a second look at cleanups with new tools or standards.

*Audience Member Question - When is the ROD coming? I support completing the ROD as soon as possible.*

Answer by Paul Peronard - Finalizing the ROD without resolving the issues that the TAG is raising will lead to a train wreck. We need to reevaluate the efficacy of the past cleanups with a sharpened set of tools. In the coming fiscal year, we will move some cleanup funds to conduct analysis of what it means to leave vermiculite in walls of houses, whether we should leave carpets in place, and whether polarized light microscopy (PLM) provides accurate enough concentration information. We are getting closer to resolving questions about PLM. We should answer these questions before we conduct more cleanups and before issuing the ROD. We need to gain experience with the Environmental Resource Specialist position and the operation and maintenance plan so we can have some assurance that we will not be forcing homeowners to bear the costs of dealing with vermiculite left behind after the cleanups are completed. Although we will probably always be faced with a moving target, we need to know how well we have to cleanup the properties.

*Audience Member Question - We have now cleaned about 600 homes, and people were told that they were safe to live in. How do we go back to these homes?*

Answer - We will always have to deal with uncertainty and with subsurface contamination. However, new information may indicate that the houses may not be as safe as we thought. If the data leads us to go back, we will. Some people may choose not to grant us entry.

*Audience Member Comment - One possible solution to the continuing contamination issue is institutional controls.*

Response by Catherine LeCours - Our goal with the long-term post-cleanup plan is to establish a system whereby a contractor or homeowner doing home remodeling or other work would know that vermiculite is present, and the homeowner can call to obtain abatement services.

*Audience Member Question - How would the cost of this program be paid?*

Answer by Catherine LeCours - We don't know; however, it has never been the intent of the state for the property owner to bear this cost. Possible funding sources are the responsible party and EPA. The state intends to sell bonds to meet its operation and maintenance responsibilities, but we don't believe that the costs of cleaning up contamination left behind after the cleanup is an operational and maintenance expense. It would be a continuing remediation expense.

*Audience Member Comment - I have proposed that the governor create a task force to identify a source of funds for the long-term cleanup issues.*

Response by Catherine LeCours - We have a subcommittee of the operation and maintenance committee including representatives of the state, EPA, and the county looking at this question and discussing the details of the Environmental Resource Specialist position.

*Audience Member Comment - We need to have a socio-economic analysis conducted to see what the people of Libby can afford to do about paying for cleanup costs.*

*Audience Member Comment - We need the Environmental Resource Specialist position now for the 600 homes that have already been cleaned because all vermiculite has not been removed from them.*

Response by Catherine LeCours - We have been working to get this position in place for two years. We are lucky here because we can work on the details of the position before we really need it because we have EPA as a safety net. People encountering contamination can call EPA for assistance.

*Audience Member Comment - We should get the federal government to remove as much contamination as possible now to lower the state's continuing operation and maintenance obligation.*

*Audience Member Question - What is the time frame for completing the ROD?*

Answer by Paul Peronard - We should break out the operable units so that they can be considered separately. One unit would include the export and screening plant sites, the BN rail yard, the Stimson Mill site, and the flyway. Because these cleanups are not likely to be controversial, we should be able to finish a ROD for them in 2008. A second unit would include the mine and Rainy Creek Road. These areas can be controlled to preclude public access. Cleanup of these sites would compete for funding with the other cleanups. The third unit would consist of the residences to be cleaned. Given the issues with this unit, the differential toxicity,

short fibers, and the analytical tools, I do not expect a ROD for the residential cleanups for 4 to 5 years. For the residential cleanups, we have to determine the appropriate level of cleanup for each medium, the tools to measure asbestos levels, and how we will address any asbestos left behind. We should have a public forum to discuss these issues.

*Audience Member Comment - We can't minimize the issue of asking people to live an additional 5 years in contaminated houses. We need to involve people who will be affected in the decision of when to issue the ROD and proceed with cleanup.*

*CAG Member Comment - We should remember that the 600 homes cleaned to date are safer than before they were cleaned. EPA cannot change the cleanup levels without studies to justify the changes.*

*Audience Member Comment - I informed a landowner on the bluffs that his property is contaminated but he build a new house on it anyway. This was not a good decision.*

*Audience Member Question - Can't EPA prevent this from happening?*

Answer - It would definitely be easier to clean properties first. We are also concerned about plans to repopulate the Stimson Mill site. However, we do not have the authority to determine how people use their private property. We cannot prevent building on it.

*Audience Member Comment - This is a community problem, not EPA's.*

*Audience Member Question - How long until the risk assessment is finished?*

Answer - If we completed it now with the tools we have, people likely would not believe the answer. We probably have 3 to 5 years work ahead if we could start next month. Three years ago, I had prepared to do animal studies on the toxicity issue, but the decision was made that the problem was national in scope, so the studies were delayed.

## **CARD and LAMP Reports**

Because of the lateness of the hour, these reports were postponed until the next meeting .

## **Public Comment**

There was no additional public comment.

## **Next Meeting**

The next meeting is scheduled for 7:00 to 9:00 p.m. on September 14, 2006 in the Ponderosa Room of Libby City Hall. The agenda will presentation of information about work on autoimmune disease by UM researchers.

**Appendix 1**  
**CAG Member & Guest Attendance List**  
**August 17, 2006**

<b>Members</b>	<b>Group/Organization Represented</b>
KW Maki	Libby Schools
Ken Hays	Senior Citizens
Ted Linnert	EPA-Denver
Mike Cirian	EPA
Paul Peronard	EPA Project Manager
Catherine LeCours	DEQ
Gary D. Swenson	Libby Volunteer Fire Department
LeRoy Thom	LAMP
Gayla Benefield	LCAVRO/TAG
Gerry Henningsen	Technical Advisor